DOCUMENT RESUME

ED 108 561 HE 006 784

AUTHOR Shark, Alan
TITLE Current Status of College Students in Academic Collective Bargaining. Special Report No. 22.
INSTITUTION Academic Collective Bargaining Information Service, Washington, D.C.
SPONS AGENCY Carnegie Corp. of New York, N.Y.
PUB DATE Jul 75
NOTE 12p.

EDRS PRICE MF-$0.76 HC-$1.58 PLUS POSTAGE
DESCRIPTORS *Collective Bargaining; *Collective Negotiation; Court Litigation; Fringe Benefits; *Higher Education; Salaries; Strikes; *Student Rights; *Student Role; Tuition
IDENTIFIERS *Student Organizing Project; University of Massachusetts

ABSTRACT

College students are expanding their role in academic collective bargaining. They represent a fresh source of energy for reform that must be recognized by faculty unions and university administrators who seek higher levels of cooperation and new directions for service. This document reviews student involvement in collective bargaining. Some effects of collective bargaining on students are: (1) fear of the loss of student rights; (2) fear that increases in salaries and fringe benefits negotiated by the faculty unions will at least partly come out of students' pockets in the form of higher tuition and fees; (3) fear of strikes that would interrupt their education. Student impact on collective bargaining is felt through: (1) lobbying for legislation to protect student interests; (2) undertaking legal (court) action; (3) asking to have a student observer (or team) sit in on negotiations; (4) including students on the bargaining team of one or both sides; and (5) trying to be included in negotiations as an independent third party. The author predicts that student involvement in collective bargaining negotiations will increase in the future, especially if present action of this type proves successful. Appendixes give a table of contents of a possible contract negotiated by a student government and a list of issues involved in the student role in collective bargaining negotiations. (Author/KE)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

ED108561

Academic Collective Bargaining Information Service
1818 R Street, N.W. / Washington, D. C. 20009 / 202/387-3760

George Ward Angell
Director

Edward P. Kelley, Jr., Esq.
Assistant Director

SPECIAL REPORT #22
July 1975

CURRENT STATUS OF COLLEGE STUDENTS IN ACADEMIC COLLECTIVE BARGAINING

by
Alan Shark, Director
Research Project on Students and Collective Bargaining
funded by
Fund for the Improvement of Secondary Education

College students are swiftly expanding their role in academic collective bargaining. They represent a fresh source of energy for reform that must be recognized by faculty unions and university administrators who seek higher levels of cooperation and new directions for service. ACBIS asked Alan Shark to bring us up to date as to recent events involving students in the bargaining process. You will enjoy this concise refreshing review.

George W. Angell
Director

HE 006 724

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

Sponsored by the Association of American Colleges, the American Association of State Colleges and Universities, and the National Association of State Universities and Land Grant Colleges. Funded by the Carnegie Corporation of New York.

CURRENT STATUS OF COLLEGE STUDENTS IN ACADEMIC COLLECTIVE BARGAINING AN OVERVIEW

by
Alan R. Shark, Director
Research Project on Students & Collective Bargaining
funded by
Fund for the Improvement of Postsecondary Education

Not long ago the term "collective bargaining" was non-existent on the meeting agendas of student leaders. Currently the subject is gaining attention at statewide, as well as national, student conferences. In the past a meeting on collective bargaining drew a very few participants. Now, a great many students attend because they have come to realize that the process of academic collective bargaining involves the welfare of not only the faculty and the administration, but also of the student.

Collective bargaining in the academic community is a relatively new phenomenon, and its application to higher education is forcing a reexamination of its substance, processes, nature and goals. There are those who maintain that students have no role in faculty-administration bargaining. Traditional collective bargaining has been considered as a two-party system, based on the industrial model. In its strict application, students, because they are neither management nor labor, have no rights at the negotiation table.

This view is clearly expressed by one of its proponents, Jerome Lefkowitz, Deputy Director of the New York State Public Employment Relations Board, in a taped interview in 1973: "Collective bargaining as it has been practiced in the private sector, is a process for the resolution of disputes between an employer and his employees. It is not designed to accommodate any independent interest of any third party, such as consumers or outside contractors. Whatever the limitation of this process is in the private sector, the process causes an even more severe problem in the public sector, where the purpose of government is to satisfy the needs of the consuming public. And yet, that consuming public has no representative at the bargaining table except where it is represented by government, a representation that is often more theoretical than real."

However, students feel that they should be included in academic bargaining because the outcome of such negotiations could have serious effects on them and on the quality of their education.

Some Effects of Collective Bargaining on Students

First, students fear the loss of rights gained by much struggle over the past fifteen years. The growth of student rights started in the early 1960's when students became involved in the free speech and civil rights movements. Under pressure the concept of *in loco parentis* began to decline and a new educational reform movement was initiated. Students began to exercise influence on curricular requirements and grading systems, and simultaneously fought to become represented in course and teacher evaluations. New campus governance structures developed as students demanded a more institutionalized role in making campus policy. Students sought to have their peers serve on boards of trustees. Almost all members of the academic community cooperated in seeking ways to best include the interests of students in the decision-making processes. Both faculty and administration went on record as supporting, at least in principle, the premise that student interests should be formalized in a mutually agreeable governance plan.

The question now arises as to what happens when student rights become a negotiable item in contract talks without student involvement in the process? Tenure, promotion, evaluation, and class size, once included in the collegial governance process, have become bipartite negotiable items. An examination of the table of contents of a collectively-bargained contract will show the ever-widening scope of negotiations.

A study by the National Center for the Study of Collective Bargaining in Higher Education analyzed 145 academic contracts. Only twenty-eight percent (40) of the contracts contained references to student rights. These forty contracts mention the areas of student evaluation of faculty, student senates, or student governance activities. In addition, student input regarding admissions, academic standards, educational research and/or the institutional calendar was found in fifteen contracts. Only 6 four-year and 2 two-year college contracts established committees which gave students voting rights. (Note: Not "on a par" because faculty and administration had more votes.)

Of the forty contracts that contained references to student rights, six mention students more than twice, six mention them twice, and the remaining twenty-eight but once. It is significant to note that no student representative was present at the bargaining table during negotiations for the 145 contracts analyzed in this study, including the 40 contracts which contained references to student rights.

Second, students fear that increases in salaries and fringe benefits negotiated by the faculty unions will, at least partly, come out of students' pockets in the form of higher tuition and fees. It is safe to assume that faculty members look toward bargaining as a means of increasing their own salaries, fringe benefits and role in governance. Once the contract is negotiated, the administration must find a means of covering increased operating costs. If the monies available from the state and/or private sources are insufficient (or if it is a private institution), it is only logical that the needed funds must come from the students. This could take two forms: an increase in tuition and fees or a cut in student services by curtailing course offerings, campus facilities, innovative programs, and/or by increasing class size.

One example of this situation is in Wisconsin, where tuition is fixed by law as a percentage of the cost-of-education. As the faculty negotiates higher salaries and more expansive benefits, the cost-of-education rises and with it the cost of tuition.

Third, students fear that strikes will interrupt their education. A strike, especially an extended strike, could severely damage a student's finances. No provisions or plans have been made by any college to guarantee students a tuition rebate for time lost due to faculty strike. There is nothing to prevent a student's losing an entire semester's tuition, room and board. If make-up classes were deemed to be the answer, they could extend into the time of summer employment. Or, if a student is ending his studies, make-up classes could interfere with permanent employment.

The above are the three major areas in which students believe that their interests might be adversely affected by academic collective bargaining. In the student view, academic bargaining has the potential to impinge upon historically defined student rights, inflate the cost of a college education and adversely affect the quality of education and student life.

Student Impact on Collective Bargaining

As student leaders have become aware of the serious impact academic collective bargaining can have on their education, they have tried to influence the process. While student involvement has not been widespread, it has taken place. When students have tried to make their voice heard in negotiations, they have chosen one or more of the following five methods: 1) lobbying for legislation to protect student interests; 2) undertaking legal (court) action; 3) asking to

have a student observer (or team) sit in on negotiations; 4) seeking to include students on the bargaining team of one or both sides; 5) trying to be included in negotiations as an independent third party.

Lobbying. The first successful lobbying effort re legislation occurred in the state of Montana. A student team of three successfully pushed for legislation which gave students the right to take part in negotiations. This law, passed in April 1975, was the first in the nation to give statutory recognition to the right of students to participate in the bargaining process.

In brief, the law defines the Board of Regents as the public employer and provides that a student be a member of the Board negotiating team. The law states "...the student government at an institution of higher education may designate an agent or representative to meet and confer with the Board of Regents and the faculty bargaining agent prior to negotiations with the professional educational employees, to observe those negotiations and participate in caucuses as part of the public employer's bargaining team, and to meet and confer with the Board of Regents regarding the terms of agreement prior to the execution of a written contract between the Regents and the professional educational employees."

An even more successful lobbying effort was recently achieved by the Associated Oregon Student Lobby. In early June of 1975, the Oregon legislature passed a bill granting students an independent third party role at the bargaining table. The bill, which was also supported by two local teacher's unions and three college presidents, passed both the Senate and House by a wide majority.

In Maine, the Senate recently passed a bill giving university employees the right to bargain. It contained no mention of student input to negotiations. When the bill was introduced in the House, a student-sponsored amendment was offered to give students independent third party status. Because the amended bill had no chance of passage, a compromise was reached giving students the right to caucus with the Board of Higher Education prior to negotiations and to sit in at the bargaining table. The compromise measure received support from the head of the House labor committee and was introduced by a legislator who is a former college trustee. Because of the wide support base, students are very optimistic as to the bill's passage.

Student lobbyists in California are pressing for legislation which would grant observer status to students during negotiations, and would also give students complete access to all written draft agreements and

to all other written documents pertaining to the bargaining process. According to one version of the bill, before a contract is ratified students may submit a public impact report dealing with how the proposed agreement would affect educational quality, level of service to students and direct costs to students. A student representative could also make presentations at all hearings conducted by the Board or by a mediator or fact finder.

Student organizations in Wisconsin and Washington are also pushing for legislation that would provide for student observers at faculty-college negotiations. Students in Wisconsin have not yet found a sponsor for their bill and, although the bill in Washington has been introduced, there is little chance that final action will be taken in the current session.

In 1972, the Student Senate of the City University of New York lobbied for a bill that would have limited the scope of negotiations to exclude campus governance. This bill never left committee.

Legal action. In 1971, fifteen students representing six of the seven campuses of the City Colleges of Chicago filed suit in Cook County seeking an end to a five-week old faculty strike. The judge, impressed by the students' arguments, ordered public negotiations. The union quickly voted to return to classes as negotiations proceeded. According to one of the student leaders who took part in the legal action, "We are fed up with the strike. We are the victims and deeply affected by it. We decided to take both sides to court." The public negotiations which took place in the Cook County Circuit Court as a result of the steps taken by the students were unprecedented.

Effective anti-strike action was also taken by students at two Pennsylvania community colleges. As reported in the Chronicle of Higher Education (April 30, 1973), "Students at the Community Colleges of Philadelphia and Allegheny County filed suits seeking injunctions against faculty strikes. Administrators and union leaders attributed settlement of these strikes to the pressure exerted by the student suits."

Legal action was also directed against a recent faculty strike in the New Jersey State College System. The action was taken by the student government at Kean College. The strike was settled, however, before the students' show cause order went into effect.

It has not always been necessary for students to actually take court action. The threat of an injunction to be brought by students against the striking faculty at Tacoma Community College in the state of Washington resulted in a speedier resolution of the conflict there in 1973.

Student Observers. Students have participated as observers in the bargaining negotiations at several colleges, among them: Fitchburg State College (MA), Salem State College (MA), the University of Bridgeport (CT), the University of Cincinnati (OH), Southern Oregon College, Long Island University (NY), Rhode Island College and Bloomfield College (NJ). In each instance the role and rights of the observer have varied. Status has revolved around such issues as: how the observer was chosen; did the observer have the right to caucus with either party; could the observer introduce proposals; did the observer have access to information; could the observer present the student perspective. In most instances, the rights of the student observer have been limited.

Students as Part of a Bargaining Team. There are instances in which students have taken part in negotiations as a member of either the faculty or administration bargaining team. At Ferris State College in Michigan a student leader was at the bargaining table as part of the management's negotiating team. As previously mentioned, students in Montana will soon be part of the public employer's team.

Student participation usually results from efforts launched by faculty or administration to win student sympathy and support. One of these efforts backfired. At Fitchburg State College (MA) the faculty union representative, hoping students would support the faculty positions, asked students to be part of the faculty bargaining team. The students, taking advantage of the situation, declared themselves independent of either side and refused to leave the negotiating session until they were recognized in that capacity. Having established an independent position, the students often sided with the administration, much to the chagrin of the faculty. This ploy also backfired on the students for the following year they were not invited to take part in negotiations by either side.

Student Unions. The concept of students organizing their own unions is not new. Students in Europe have formed very effective and powerful unions. In the U.S., however, very little has been accomplished in this direction. A few student governments, such as that at the University of Colorado/Boulder, have changed their title tc "union", but the change is usually in name only.

In a more successful attempt, a student group at Stockton State College in New Jersey did organize an independent union, providing various services and signing an agreement with their faculty supporting a faculty strike. Over half of the students signed pledge cards in support of their union. Membership was reduced substantially, however, when dues were instituted.

A program to establish a student union has been initiated at the University of Massachusetts/Amherst. The purpose of the project is to secure the right of collective bargaining for students at the University. The Student Organizing Project, as it is called, was founded by the Student Senate in the late spring of 1974. Overseen by a committee of students, it is charged with the goal of establishing a student union and associated services. Its energies have been directed toward this end through an extensive program of legal research as well as working to bring a credit union and other services to campus. S.O.P. also aids other groups in areas of student interest such as financial aid and tenants' rights.

The Future

To date, academic collective bargaining is not a widespread phenomenon. Only a small percentage of colleges are unionized. Instances of student involvement in negotiations are fewer still. For this reason, it is difficult to project in which direction the student relationship to collective bargaining will progress.

At first glance it would seem safe to state that as more campuses become unionized, student involvement, or attempts at involvement, in the process will increase. As outlined above, students believe that they can be adversely affected by the results of collective bargaining. It would seem to be in their interest to continue to seek a role giving them meaningful input to the process.

On the other hand, thus far students have been unable to find a satisfactory way to fit into negotiations. There is no working model for students to follow. Given the lack of real success and the general apathy now found on college campuses, students' interest in carving a role in the bargaining process may very well decline.

The future course of student involvement could well be determined by the success or failure of activities in two areas: 1) unionizing efforts such as the Student Organizing Project at the University of Massachusetts; and 2) the actual impact of student input on negotiations in states where student participation is guaranteed by law. It is still too early to judge if one, or both, will provide the answer to student concerns in the milieu of collective bargaining. However, should either succeed it would probably provide the pattern for future student activities.

APPENDIX I

If a student government negotiated a contract the table of contents might well look something like this.

STUDENT ASSOCIATION CONTRACT
TABLE OF CONTENTS

I. Recognition

II. Right to Negotiate

III. Grievance Procedure

IV. Student Rights, Academic Freedom
- A. Individual rights, i.e., due process
- B. Organizational rights
  1. Student government or association
  2. Student union

V. Delivery of Student Services
- A. Medical care
- B. Financial aid
- C. Counseling
- D. Employment
- E. Activities

VI. Access and Services of Campus Facilities
- A. Library
- B. Meeting areas
- C. Athletics
- D. Parking
- E. Transportation
- F. Bookstore
- G. Food services
- H. Student housing

VII. Student Evaluations (administration of procedures)
- A. Of faculty
- B. Of administration
- C. Of courses
- D. Of service contracts

VIII. Right of Access to Information

APPENDIX I (continued)

IX. Grading Systems

X. Class Size

XI. Conditions of Enrollment

XII. Tuition and Fee Policies and Guarantees

XIII. Student Contact Hours and/or Work Load Requirements

XIV. Academic Calendar

XV. Budget Resource and Allocation, i.e., Salaries
- A. Faculty
- B. Administration
- C. Students (work-study assignments)

XVI. Access to and Protection of Student Records

XVII. Decision Making (participation guarantees)

XVIII. Amendment Procedure

APPENDIX II

In instances where students have sat in on faculty-college negotiations in an observer capacity, their status as observers has greatly varied. Below are several issues which have gone into the differing definitions of the student role.

1. Who qualifies as a student observer, i.e., must the observer be a currently enrolled student?

2. How many observers should be permitted to participate?

3. How will the observer be selected? by whom?

4. How does the observer gain entrance to negotiations, i.e., by state law, by regents or trustee by-law, by an invitation from one or both sides?

5. Does the observer have the right to caucus with either or both parties, or even with the student constituency?

6. Can the observer introduce or initiate proposals?

7. Does the observer have the same right of access to information as do each of the other parties?

8. Is the observer permitted to present the student perspective to a mediator, fact finder, or arbitrator? If so, by what method?

9. Is the observer independent of both sides, or a member of one team?

10. Can the observer seek outside help such as a lawyer or consultant?

11. Can the observer receive college credit for the experience or is this a conflict of interest?

12. Can the observer make a public report or impact statement prior to the ratification of the contract?

13. Does the observer initial the final agreement? And, will the agreement be submitted to a student vote prior to final ratification by the other parties?